

S/N 09/701,315

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
CENTRAL FAX CENTER**

Applicant: CARVER, et al. Examiner: TRAN, M.  
Serial No.: 09/701,315 Group Art Unit: 1639  
Filed: January 9, 2001 Docket No.: 14096.15USWO  
Title: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH  
THROUGHPUT ASSAYS FOR SCREENING SAME

**OFFICIAL**CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347847432US  
Date of Deposit: August 6, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: Jodi Gandel-Klein

REQUEST FOR REMAILING OF OFFICE ACTION AND WITHDRAWAL  
OF HOLDING OF ABANDONMENT

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. A copy of the Notice of Abandonment is enclosed.

Applicants state that a search of the file and the docket records in Merchant & Gould indicates that this Office Action was not received. Attached is a copy of the docket record where the Office Action would have been entered had it been received and docketed. A Declaration of Jodi Gandel-Klein, the Docketing Supervisor is also attached.

The Declaration by Ms. Gandel-Klein outlines the firm's handling of incoming correspondence, including Patent and Trademark Office actions. As noted in the Declaration, the correspondence is brought to the firm, date stamped and sorted between Patent and Trademark Office correspondence, other correspondence possibly requiring docketing, and non-docketing correspondence. The Declaration also outlines the firm's procedures for docketing actions from the Patent and Trademark Office. A member of the docketing department collects the

09/701,315

PATENT

correspondence requiring docketing from the mailroom, and delivers the Patent and Trademark Office correspondence to the appropriate docketing personnel. That person then reviews the correspondence and enters the appropriate information in the firm's automated docketing system. The correspondence is then delivered to the responsible attorney for appropriate action.

Ms. Gandel-Klein confirms that there is no evidence in the firm's docketing records to indicate that the Office Action in this application was ever received. Ms. Gandel-Klein concludes that, in view of this, she believes that the Office Action was never received for docketing.

It is believed that this is sufficient to establish the non-receipt of the Office Action. More particularly, if the Office Action had been received, it would have been entered into the computerized docket system. However, even if for some reason the information was entered into the docket system under the wrong file number, the Office Action would still would have been associated with the file for this application since the attorney docket number on the Office Action is correct. Therefore, the absence of the Office Action from the attorney's file substantiates Ms. Gandel-Klein's conclusion that the Office Action was not received. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

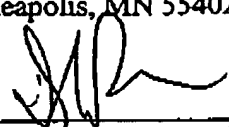
The petition fee under 37 C.F.R. § 1.17(h) in the amount of \$130.00 is enclosed. Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.

Respectfully Submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

Dated: August 6, 2003

By

  
Douglas P. Mueller  
Reg. No. 30,300  
Customer No. 23552

DPM/gmr

S/N 09/701,315

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CARVER, et al.	Examiner:	TRAN, M.
Serial No.:	09/701,315	Group Art Unit:	1639
Filed:	January 9, 2001	Docket No.:	14096.15USWO
Title:	DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH THROUGHPUT ASSAYS FOR SCREENING SAME		

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By: 

Name: Jodi Gandel-Klein

**DECLARATION OF JODI GANDEL-KLEIN IN SUPPORT OF PETITION  
TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Jodi Gandel-Klein, declare and state:

1. I am the Docketing Supervisor for Merchant & Gould, the law firm prosecuting the above-referenced patent application. I have been Docketing Supervisor since November 17, 1997.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and oversee those responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received by the firm is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, a member of the firm's docketing department retrieves the mail that may

09/701,315

PATENT

require docketing and brings it to the docketing department. The appropriate personnel then docket the correspondence.

4. If such an Office Action had been received, the communication would have been docketed by entering into the computerized docket system the date the Office Action was mailed. The computerized docket system would then calculate the due dates for response to the Office Action up to the six month statutory deadline. The first page of the Office Action would then be initialed by the person docketing the Office Action to indicate that it had been docketed and forwarded to the attorney responsible for the patent application for further action, e.g., reporting to the client, etc.

5. I have reviewed the records in the firm's docket system and find no entry for the Office Action for this application, nor any other evidence that would suggest that the Office Action actually was received by the firm.

6. In view of the above, I believe that the Office Action for this application was never delivered to the docketing department for docketing.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: August 6, 2003

By:   
Jodi Gandel-Klein

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
Customer No. 23552

DPM/gmr

Receipt is hereby acknowledged for the following, in the U.S. Patent and Trademark Office:

In re Application of: CARVER, et al.  
For: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH THROUGHPUT  
ASSAYS FOR SCREENING SAME  
Docket No.: 14096.151USWO  
Filed: January 9, 2001  
RV347847432US  
Date Mailed: August 6, 2003

Serial No.: 09/701315  
Due Date: August 26, 2003

- ☒ Return postcard
- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Check(s) in the amount of \$139.00 for Petition
- ☒ Request for Remitting of Office Action and Withdrawal of Holding of Abandonment
- ☒ Declaration of Jodi Gandel-Klein

Patent



IX-Mgmt

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: CARVER, et al.

For: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH THROUGHPUT

ASSAYS FOR SCREENING SAME

Docket No.: 14096.15USWO

Filed: January 9, 2001

EV347847432US

Date Mailed: August 6, 2003

Serial No.: 09/701315

Due Date: August 26, 2003

- ☒ Return postcard
- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Check(s) in the amount of \$130.00 for Petition
- ☒ Request for Reopening of Office Action and Withdrawal of Holding of Abandonment
- ☒ Declaration of Jodi Gandel-Klein

Patent

DPM:gnr

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CARVER, et al. Examiner: TRAN, M.  
Serial No.: 09/701,315 Group Art Unit: 1639  
Filed: January 9, 2001 Docket: 14096.15USWO  
Confirmation No.: 8757  
Due Date: August 26, 2003  
Title: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH THROUGHPUT ASSAYS FOR SCREENING SAME

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By: 

Name: Jodi Gandel-Klein

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

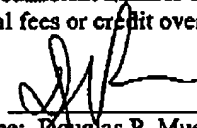
Sir:

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- ☒ Return postcard
- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Check(s) in the amount of \$130.00 for Petition
- ☒ Request for Remailing of Office Action and Withdrawal of Holding of Abandonment
- ☒ Declaration of Jodi Gandel-Klein

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

3200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402-2215  
USA  
(612) 332-5300

By:   
Name: Douglas P. Mueller  
Reg. No. 30,300  
DPM:gmr  
Customer No. 23552

MAY-25-04 02:12PM FROM-Merchant & Gould 2

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T-293 P.004/008 F-484

CONTROL NO. **MG-35945**

Requestor:

Vendor # / Name: 1002 Director of the United States Patent and Trademark Office

Check Date: 08/05/03

Check # 412116

VOUCHER INV. #

DATE

ACCT / DEPT#

MATTER #

AMOUNT PAID

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14096.0015USWO

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